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UNCLAS SECTION 01 OF 02 PRISTINA 000392

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SUBJECT: KOSOVO'S DRAFT LAW ON RELIGIOUS FREEDOM STILL
CONTENTIOUS

REF: 05 PRISTINA 170

Sensitive but unclassified; please protect accordingly.

¶1. (SBU) SUMMARY. Drafted by Prime Minister Bajram Rexhepi's government in 2004, Kosovo's draft law on religious freedom remains a point of contention between the government and religious communities in Kosovo. Kosovo's Islamic Community opposes the internationally approved draft because it arguably would formally recognize as "official" minor religions and sects with few adherents. Although all involved support the general principle of religious tolerance, there is no consensus on implementation. The head of the Assembly committee responsible for compiling amendments and moving legislation to plenary sessions has proposed breaking the impasse by dividing the statement of general support for religious tolerance from the more difficult implementing provisions. END SUMMARY.

¶2. (SBU) An internationally acceptable draft law on Religious Freedom and the Legal Status of Religious Communities in Kosovo passed its first reading in Kosovo's Assembly in May 2005, but remains dogged by complaints from the influential Islamic Community of Kosovo (BIK). Kosovo's Mutfi, Naim Ternava, has demanded both in public hearings and at Kosovo's landmark May 2, 2006, interfaith conference hosted by the Pec/Peja monastery, that the law specifically list the "official religions" of Kosovo as well as include provisions for a minimum number of adherents and a listing of their names and affiliations in order for government authorities to register them as religious organizations in Kosovo. According to Hydajet Hyseni, the head of the parliamentary legislative committee, because of the BIK's protestations of the current draft, the committee has chosen to let the law languish, potentially until Kosovo's final status is decided.

¶3. (SBU) Initially drafted by Prime Minister Bajram Rexhepi's government in 2004, the draft law has been contentious since its inception. An UNMIK-led 2004 working group established to comment upon the government's draft removed references to "official religions" of Kosovo, a minimum number of

adherents, and a provision requiring a group to have been registered as a legal entity for five years before it can be registered with the government as a religious organization. BIK demanded these amendments be included and they found their way back into the law when the working group received it back from the government in March 2005 (reftel). UNMIK, OSCE and the Council of Europe protested and the current draft contains none of these problematic provisions.

¶4. (SBU) Although the current draft is internationally accepted, the BIK is still adamant that it will not accept the legislation without its requested amendments. In December 2005, representatives of the BIK, the Serbian Orthodox Church (SOC), the Catholic Church and Kosovo's Provisional Institutions of Self-Government (PISG) met in Vienna and proposed amendments again re-introducing problematic provisions, but also included onerous criteria for registering religious communities in Kosovo such as demanding the names, signatures and identification documents of members, and that the name of the organization must not conflict with any other on record in Kosovo.

¶5. (SBU) Artur Krasniqi, leader of the Protestant Evangelical community, told poloff May 5 that no one from Kosovo's Protestant community attended the Vienna meeting and that he disagreed with its recommendations. He is particularly concerned with amendments the group proposed on "special rights" vis-a-vis the government: that public authorities must cooperate with official religious communities by inviting them to render their opinions on government and legislative decisions, and that "special status" religious communities "will have the right to charge persons with the provision of spiritual services, and make use of facilities of security forces, in hospitals, and social training

PRISTINA 00000392 002 OF 002

facilities." Krasniqi believes the latter provision to be designed to authorize teaching of religion in schools, a proposal he says Ternava reiterated at the May 2 inter-faith conference hosted at the Pec Patriarchate.

¶6. (SBU) Ternava told poloff on April 28 that he signed on to these Vienna suggestions to restrict the May draft law's scope. Without these provisions, Ternava warned Kosovo will open a door to "destructive Saudi elements" around which "any Saudi with money can buy a religious community." The last time the Assembly's Legislative Committee debated the issue in June 2005 Ymer Muhaxheri of the Democratic League of Kosovo (LDK) voiced similar concerns and demanded amendments that would seem to satisfy the BIK's problems with the draft. Ternava invoked criticism for Kosovo's government as well, saying that the government should "help the Islamic Community because by doing this, they help Kosovo."

¶7. (SBU) The draft law has been stuck in committee since May 2005. In June 2005 the Assembly's Committee on Juridical and Legislative Matters debated the draft law internally and tabled the decision to accept or refuse amendments. It held a public hearing on the draft law later that same month. According to Krasniqi, no one from the SOC attended, and Ternava used the platform to reiterate his desire for religious teaching in public schools. The committee's head, Hydjat Hyseni, told poloff May 5 that he prefers to table the legislation until a decision on Kosovo's final status, saying "Kosovo cannot enforce a separation of church and state without a state." Hyseni said he has tasked members of his committee with canvassing religious communities to determine concerns and support, but is inclined to send the draft law back to the government "if the law is critical to final status talks." (NOTE: The government's legal office drafts most all PISG legislation. END NOTE.)

¶8. (SBU) Hyseni told poloff that since the contentious issue is the practical provision of registering religious communities and not the importance of ensuring religious freedom, he may propose dividing the legislation for separate

approval by the Assembly: the first stating a general assurance of the rights of religious freedom and the second subsidiary piece containing the contentious registration provisions.

¶9. (SBU) A joint statement released following the May 2-4 interfaith conference hosted by the Pec Patriarchate clearly outlines a commitment by the participants to engage in the drafting of the religious freedom law. We will continue to push the government to pass draft laws without pernicious amendments as the international community looks to it to deliver concrete results on a commitment to multi-ethnicity and tolerance in Kosovo.

¶10. (SBU) Post clears this message in its entirety for release to Special Envoy Martti Ahtisaari.
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